

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

In re,		C/A No. 23-00184-EG
Scott Matthew Huggins,		Adv. Pro. No. 23-80013-EG
	Debtor(s).	Chapter 13
Scott Matthew Huggins,		ORDER SETTING FINAL PRETRIAL CONFERENCE, DEADLINE FOR PRETRIAL BRIEFS, AND TRIAL DATE
	Plaintiff(s),	
v.		
Louise Coleman Grant,		
	Defendant(s).	

TAKE NOTICE THAT a final pretrial conference in the above-captioned adversary proceeding shall be held before the assigned judge on **October 19, 2023, at 2:00 PM** at the King and Queen Building, 145 King Street Room 225, Charleston, SC 29401. Prior to the final pretrial conference, the Court orders the parties to provide a status update to the Court with respect to the parties' settlement efforts by filing correspondence on the docket **on or before September 25, 2023**.

In the joint pretrial order, the parties offered to file pretrial briefs, but the Court indicated to the parties in an order and at the pretrial conference to hold off on the submission of pretrial briefs while they pursued possible settlement. After further consideration, given the complexity of the issues and to allow the trial to be conducted in an efficient manner, to the extent that the matter remains contested, the parties shall prepare and file **no later than 5 PM on October 16, 2023**, pretrial briefs addressing the following issues:

1. Is the Option to Repurchase Agreement dated June 13, 1998 a lease with option to purchase, an installment land sale contract, equitable mortgage or other type of real estate agreement?


2. Was the Option to Repurchase Agreement unconscionable?
3. Has either party breached the Option to Repurchase Agreement?
4. Does the parol evidence rule apply to bar extrinsic evidence of additional agreements or understandings between the parties regarding the Option to Repurchase Agreement in light of, among other things, the merger clause in such Agreement?
5. What effect did the intervening bankruptcy filed by Defendant in 2013 and the confirmed plan in that case have on the Option to Repurchase Agreement between the parties?
6. What was the legal effect of the “Addendum/Amendment to the Lease Option” executed by the parties? Is this Addendum a valid contract?
7. Are any claims or counterclaims barred by applicable statutes of limitations?

IT IS FURTHER ORDERED that this adversary proceeding is set for trial before the assigned judge commencing on **October 25, 2023 at 9:00 AM**¹ at the King and Queen Building, 145 King Street Room 225, Charleston, SC 29401. An agreement or a request to modify any deadline set forth in this Order is not effective absent entry of a further order by the Court.

AND IT IS SO ORDERED.

**FILED BY THE COURT
08/03/2023**




Elisabetta G. M. Gasparini
US Bankruptcy Judge
District of South Carolina

Entered: 08/03/2023

¹ The parties have indicated that they expect the trial to take at least three days. Accordingly, the Court has also set aside October 26, 2023 and October 30, 2023 as trial dates.